

**USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 11/2/2016**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAVIER LABOY,

Plaintiff,

v.

OFFICE EQUIPMENT & SUPPLY CORP.;
MICHAEL PRINCE and STEVEN
MAGLIO,

Defendants.

No. 15-CV-3321 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

Plaintiff Javier Laboy brought this action on April 29, 2015 against his former employer, Office Equipment & Supply Corp. and its principals, Michael Prince and Steven Maglio, alleging that Defendants failed to pay him minimum wage in violation of the Fair Labor Standards Act (“FLSA”), failed to pay him overtime in violation of FLSA and the New York Labor Law (“NYLL”), failed to pay him spread of hours pay as required by NYLL, discriminated against him in violation of the New York City Human Rights Law (“NYCHRL”), and retaliated against him in violation of NYLL and NYCHRL by terminating his employment when he complained of the alleged discrimination and wage violations. Defendants failed to answer or otherwise respond to the Complaint, and the Court granted Laboy’s request for a default judgment on March 10, 2016, and referred the case to Magistrate Judge Maas for an inquest into damages. The damages inquest was reassigned on September 7, 2016 to Magistrate Judge Peck.

Judge Peck conducted a thorough and careful inquest and issued a Report and Recommendation (the “Report”) on September 29, 2016. On October 4, 2016, Laboy served a copy of the Report on each Defendant, and on October 11, 2016, Laboy filed proof of service on

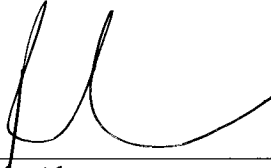
ECF. No party filed a timely objection to the Report; therefore, the Court reviews it for clear error. *See* Fed. R. Civ. P. 72(b), Advisory Committee's Notes (1983) ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."); *see also Borcsok v. Early*, 299 Fed. App'x. 76, 77 (2d Cir. 2008) (summary order); *Belizaire v. RAV Investigative & Sec. Servs. Ltd.*, 61 F. Supp. 3d 336, 339–40 (S.D.N.Y. 2014).

The Court has reviewed the Report for clear error and found none. It thus adopts the well-reasoned report in its entirety. Accordingly, damages are awarded against Defendants, jointly and severally, in the amount of \$84,185.94, plus \$30,121.74 in attorneys' fees and costs, and \$1,840.26 in prejudgment interest, plus continuing prejudgment interest of \$1.74 per day until judgment is entered.

As Judge Peck warned in the Report, Defendants' failure to timely object precludes appellate review of this decision. *See e.g., Wagner & Wagner, LLP v. Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile, P.C.*, 596 F.3d 84, 92 (2d Cir. 2010).

SO ORDERED.

Dated: November 2, 2016
New York, New York



Ronnfe Abrams
United States District Judge